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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/262,172    03/03/99    MCGLOUGHLIN

S    UC98-075-2

EXAMINER
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TM02/0522

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LY.A ART UNIT	PAPER NUMBER
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2172  
DATE MAILED:    05/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

09/262,172

Applicant(s)

MCGLOUGHLIN, STEVEN D.

Examiner

Anh Ly

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4

18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

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### DETAILED ACTION

1. Claims 1-6 are pending in this application.

#### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities:

On page 12, line 4 of (b) of the claim 5, --whether said medial elements—should be “whether said media elements”

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,903,892 issued to Hoffert et al. (“Hoffert”) in view of US Patent No. 5,544,354 issued to May et al. (“May”).

With respect to claim 1, Hoffert discloses database means for storing multi-media content records and references to media files for a multimedia presentation as claimed

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(see abstract, col. 3, lines 1-16, col. 8, lines 43-67, col. 9, lines 1-24, col. 22, lines 18-67, and col. 23 lines 1-8).

Hoffert does not disclose explicitly indicate "software engine means, executable on a computer, for seamlessly accessing a content record in said database means and locating and displaying media elements referred to in that content record."

However, May discloses software engine means executable on a computer as claimed (col. 10, lines 8-21, col. 11, lines 1-22, col. 12, lines 1-14, and col. 16, lines 12-33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert with the teachings of May so as to have an apparatus for accessing and displaying multimedia content because the combination would provide a distributed database and for displaying the context and content of the multimedia.

With respect to claim 2, Hoffert discloses a database containing multimedia content records and references to media files for a multimedia presentation as claimed (see abstract, col. 3, lines 1-16, col. 8, lines 43-67, col. 9, lines 1-24, col. 22, lines 18-67, and col. 23 lines 1-8).

Hoffert does not disclose explicitly indicate "a software engine, executable on a computer said software engine seamlessly accessing a content record in said database and locating and displaying media elements referred to in that content record."

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However, May discloses software engine means executable on a computer as claimed (col. 10, lines 8-21, col. 11, lines 1-22, col. 12, lines 1-14, and col. 16, lines 12-33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert with the teachings of May so as to have an apparatus for accessing and displaying multimedia content because the combination would provide a distributed database and for displaying the context and content of the multimedia.

With respect to claim 3, Hoffert discloses database means for storing multi-media content records and references to media files for a multimedia presentation as claimed (see abstract, col. 3, lines 1-16, col. 8, lines 43-67, col. 9, lines 1-24, col. 22, lines 18-67, and col. 23 lines 1-8).

Hoffert does not disclose explicitly indicate "a programmable data processor, programming associated with said programmable data processor for carrying out the operations of seamlessly accessing a content record in said database means and locating and displaying media elements referred to in that content record."

However, May discloses a programmable data processors and programming associated with programmable data processor for carrying out the operations as claimed (col. 23, lines 65-67, and col. 24, lines 1-57; col. 10, lines 8-21, col. 11, lines 1-22, col. 12, lines 1-14, and col. 16, lines 12-33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert with the teachings

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of May so as to have an apparatus for accessing and displaying multimedia content because the combination would provide a distributed database and for displaying the context and content of the multimedia.

With respect to claim 4, Hoffert discloses database for storing multi-media content records as claimed (see abstract, col. 3, lines 1-16, col. 8, lines 43-67, col. 9, lines 1-24, col. 22, lines 18-67, and col. 23 lines 1-8).

Hoffert does not disclose explicitly indicate "a set of instructions stored on a media accessible by a computer and executable on said computer."

However, May discloses programmed instruction of the software application and settop box including a processor for controlling execution the software application and for accessing the host computer system as claimed (col. 23, lines 65-67, and col. 24, lines 1-57).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert with the teachings of May so as to have a computer program for accessing and displaying multimedia content because the combination would provide a distributed database and for displaying the context and content of the multimedia.

With respect to claim 5, Hoffert discloses a database containing multi-media content records and references to media files for a multimedia presentation as claimed (see abstract, col. 3, lines 1-16, col. 8, lines 43-67, col. 9, lines 1-24, col. 22, lines 18-67, and col. 23 lines 1-8); the local storage device or stored remotely on an Internet

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server as claimed (col. 3, lines 34-67, col. 4, lines 1-14, and lines 45-51, col. 5, lines 19-29, col. 6, lines 18-52, and col. 8, lines 42-63).

Hoffert does not disclose explicitly indicate "software delivery engine associated with said database and executable on a computer for seamlessly accessing a content record in said database means and locating and displaying, as one seamless multimedia application media elements referred to in that content record."

However, May discloses software engine means executable on a computer as claimed (col. 10, lines 8-21, col. 11, lines 1-22, col. 12, lines 1-14, and col. 16, lines 12-33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Hoffert with the teachings of May so as to have a multimedia delivery for accessing and displaying multimedia content because the combination would provide a distributed database and for displaying the context and content of the multimedia.

With respect to claim 6, Hoffert discloses a method for storing in a database, multi-media content records and references to media files for a multimedia presentation as claimed (see abstract, col. 3, lines 1-16, col. 8, lines 43-67, col. 9, lines 1-24, col. 22, lines 18-67, and col. 23 lines 1-8).

Hoffert does not disclose explicitly indicate "a method for seamlessly accessing and using a software engine executable on a computer, a content record in said database means and locating and displaying media elements referred to in that content record."

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However, May discloses software engine means executable on a computer as claimed (col. 10, lines 8-21, col. 11, lines 1-22, col. 12, lines 1-14, and col. 16, lines 12-33).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Huffert with the teachings of May so as to have an apparatus for accessing and displaying multimedia content because the combination would provide a distributed database and for displaying the context and content of the multimedia.

### **Conclusions**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosures.

Erickson (US Patent No. 5,765,152)

Cohen et al. (US Patent No. 5,873,080)

Wistendahl et al. (US Patent No. 5,708,845)

### **Contact Information**

Any inquiry concerning this communication should be directed to Anh Ly whose telephone number is (703) 306-4527. The examiner can be reached on Monday - Friday from 8:00 AM to 4:00 PM.



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If attempts to reach the examiner are unsuccessful, see the examiner's supervisor, Kim Vu, can be reached on (703) 305-4393.

Any response to this action should be mailed to:

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or faxed to:

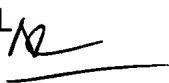
(703) 308-9051 (for formal communications intended for entry)

or:

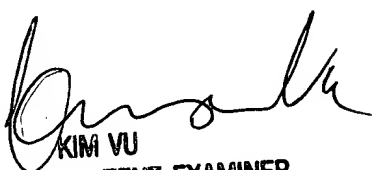
(703) 305-9724 or (703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (receptionist).

Inquiries of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

AL 

May, 16<sup>th</sup>, 2001.

  
KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100